

**PB# 96-2**

**CARMEN MONACO SITE PLAN**

**13-2-2 & 22**

96- 2 Monaco, Carmen - Site Plan  
Walsh Ave -

Approved 2/3/97

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# GENERAL RECEIPT

Received of Active Auto Sales, Inc. \$ 100.00

One Hundred and                      <sup>00</sup>                      DOLLARS

For Planning Board App. Fee \$600-2

## DISTRIBUTION

FUND	CODE	AMOUNT
OK 4256		100.00

By Dorothy H. Hansen  
Town Clerk  
Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

**Wilson, Jones • Carbonless • S1642 4W-CL Duplicate • S1644 4W-CL Triplicate**

FLORIAN, David  
T. 1944  
555 Locust Ave.  
New Windsor, NY. 12551

MADE IN U.S.A  
© Wilson Jones, 1989

DATE January 3, 1996 RECEIPT 96-2

RECEIVED FROM Active Auto Sales, Inc.

Address 120 Walsh Rd. - New Windsor, N. Y. 12553

Sever Hundred Fifty 00/100 — DOLLARS \$750.00

FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750 00	CASH	
AMOUNT PAID	750 00	CHECK	# 4257
BALANCE DUE	-0-	MONEY ORDER	

BY A. Zappolo  
Myra Mason, Secy to the P.B.

**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, NY 12553

# General Receipt

11112

Received from Active Auto Sales, Inc. \$ 100.00

One Hundred <sup>00</sup>/<sub>100</sub> DOLLARS

For P B # 96-2

**DISTRIBUTION:**

FUND	CODE	AMOUNT
CR # 5181		100 <sup>00</sup>

By Dorothy W. Hansen  
Town Clerk  
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

CK 4256		100.00

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By Dorothy H. Hansen

Town Clerk

Title

Wilson Jones • Carbonless • S1642 4WCL Duplicate • S1644 4WCL Triplicate  
 555 Union Avenue  
 New Windsor, NY 12553  
 MADE IN U.S.A.  
 © Wilson Jones, 1989

DATE January 3, 1996 RECEIPT NUMBER 96-2  
 RECEIVED FROM Active Auto Sales, Inc.  
 Address 120 Walsh Rd. - New Windsor, N.Y. 12553  
Seven Hundred Fifty 00/100 — DOLLARS \$750.00  
 FOR Site Plan Escrow.

ACCOUNT			HOW PAID		
BEGINNING BALANCE	750	00	CASH		
AMOUNT PAID	750	00	CHECK	#4257	
BALANCE DUE	- 0 -		MONEY ORDER		

P. Zappolo  
 BY Myra Mason, Secy to the P.B.

TOWN OF NEW WINDSOR  
 555 Union Avenue  
 New Windsor, NY 12553

## General Receipt

16102

Jan 30 1997

Received from Active Auto Sales, Inc. \$ 100.00

One Hundred 00/100 — DOLLARS

For P.B. # 96-2

DISTRIBUTION:

FUND	CODE	AMOUNT
CK # 5181		100.00

By Dorothy H. Hansen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Amg  
259.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/03/97

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 96-2

NAME: MONACO, CARMEN SITE PLAN  
APPLICANT: MONACO, CARMEN

--DATE--	MEETING--PURPOSE-----	ACTION--TAKEN-----
02/03/97	PLANS STAMPED	APPROVED
01/08/97	P.B. APPEARANCE . WAIVED PUBLIC HEARING	LA:ND - APPROVED
01/02/97	WORK SESSION APPEARANCE	READY FOR MEETING
03/06/96	REFERRAL SENT TO Z.B.A.	
01/10/96	P.B. APPEARANCE	REFERRED TO Z.B.A.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/03/97

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 96-2

NAME: MONACO, CARMEN SITE PLAN

APPLICANT: MONACO, CARMEN

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
/ /		PAID		0.00	
01/03/96	REC. CK. #4257	PAID		750.00	
01/10/96	P.B. ATTY. FEE	CHG	35.00		
01/10/96	P.B. MINUTES	CHG	40.50		
01/08/97	P.B. ATTY. FEE	CHG	35.00		
01/08/97	P.B. MINUTES	CHG	45.00		
01/27/97	P.B. ENGINEER FEE	CHG	259.00		
01/29/97	RETURN TO APPLICANT	CHG	335.50		
		TOTAL:	750.00	750.00	0.00

SITE PLAN FEES - TOWN OF NEW WINDSOR  
(INCLUDING SPECIAL PERMIT)

APPLICATION FEE:.....\$ 100.00 Pl

\* \* \* \* \*

ESCROW:

SITE PLANS (\$750.00 - \$2,000.00).....\$ \_\_\_\_\_

MULTI-FAMILY SITE PLANS:

\_\_\_\_\_ UNITS @ \$100.00 PER UNIT (UP TO 40 UNITS)....\$ \_\_\_\_\_

\_\_\_\_\_ UNITS @ \$25.00 PER UNIT (AFTER 40 UNITS).....\$ \_\_\_\_\_

TOTAL ESCROW PAID:.....\$ \_\_\_\_\_

\* \* \* \* \*

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ 100.00 ①

PLAN REVIEW FEE (MULTI-FAMILY): A. \$100.00  
PLUS \$25.00/UNIT B. \_\_\_\_\_

TOTAL OF A & B:\$ \_\_\_\_\_

RECREATION FEE: (MULTI-FAMILY)

\$500.00 PER UNIT

\_\_\_\_\_ @ \$500.00 EA. EQUALS: \$ \_\_\_\_\_  
NUMBER OF UNITS

SITE IMPROVEMENT COST ESTIMATE: \$ \_\_\_\_\_

2% OF COST ESTIMATE \$ \_\_\_\_\_ EQUALS \$ \_\_\_\_\_

TOTAL ESCROW PAID:.....\$ 750.00

TO BE DEDUCTED FROM ESCROW: 414.50

RETURN TO APPLICANT: \$ 335.50

ADDITIONAL DUE: \$ \_\_\_\_\_

AS OF: 01/24/97

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 96- 2

FOR WORK DONE PRIOR TO: 01/24/97

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE		
. . . . .													
96-2	90984	12/20/95	TIME	MJE	WS MONACO S/P	70.00	0.50	35.00					
96-2	91639	01/10/96	TIME	MJE	MM MONACO S/P DIS > ZBA	70.00	0.10	7.00					
96-2	91974	01/10/96	TIME	MJE	MC MONACO S/P	70.00	0.50	35.00					
96-2	91977	01/11/96	TIME	MJE	MC MONACO W/SURVEYOR	70.00	0.30	21.00					
								-----					
								98.00					
96-2	93579	01/31/96			BILL 96-165 2/12/96 PD					-98.00			
										-----			
										-98.00			
96-2	95572	03/01/96	TIME	MJE	MC MONACO S/P ZBA	70.00	0.50	35.00					
								-----					
								35.00					
96-2	00662	04/30/96			BILL 96-356 5/14/96 PD					-35.00			
										-----			
										-35.00			
96-2	10697	08/21/96	TIME	MJE	WS MONACO S/P	70.00	0.40	28.00					
96-2	20687	12/13/96	TIME	MJE	MC MONACO	70.00	0.20	14.00					
								-----					
								42.00					
96-2	21687	12/31/96			BILL 97-124 1/13/97					-42.00			
										-----			
										-42.00			
96-2	21626	01/02/97	TIME	MJE	MC MONACO W/SURVEYOR	70.00	0.30	21.00					
96-2	21628	01/02/97	TIME	MJE	WS MONACO S/P	70.00	0.30	21.00					
96-2	21664	01/08/97	TIME	MJE	MM S/P APPL	70.00	0.10	7.00					
96-2	22190	01/08/97	TIME	MJE	MC MONACO S/P	70.00	0.50	35.00					
								=====	=====	=====	=====		
TASK TOTAL								259.00	0.00	-175.00	84.00		
. . . . .													
								=====	=====	=====	=====		
GRAND TOTAL								259.00	0.00	-175.00	84.00		



# RESULTS OF P.B. MEETING

DATE: 1-5-97

PROJECT NAME: Woraw S.P. PROJECT NUMBER 96-2

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M) 0 S) 5 VOTE: A 5 N 0

\* M) 0 S) 11 VOTE: A 5 N 0

CARRIED: YES ✓ NO       

\* CARRIED: YES: ✓ NO       

\*\*\*\*\*

PUBLIC HEARING: M) 5 S) 11 VOTE: A 5 N 0

WAIVED: YES ✓ NO       

SEND TO OR. CO. PLANNING: M)     S)     VOTE: A     N     YES     NO    

SEND TO DEPT. OF TRANSPORT: M)     S)     VOTE: A     N     YES     NO    

DISAPP: REFER TO Z.E.A.: M)     S)     VOTE: A     N     YES     NO    

RETURN TO WORK SHOP: YES     NO    

APPROVAL:

M) 11 S) 5 VOTE: A 4 N     APPROVED: ✓

M)     S)     VOTE: A     N     APPR. CONDITIONALLY:    

NEED NEW PLANS: YES     NO    

DISCUSSION/APPROVAL CONDITIONS:    

Why are funding not on annual review?

MONACO, CARMEN SITE PLAN (96-2) WALSH ROAD

Mr. William Hildreth appeared before the board for this proposal.

MR. PETRO: This gets a little more detailed.

MR. HILDRETH: Just cause I forgot a minute ago, couple of the changes, just some slight changes to this plan since you saw it last. The variances that were granted that we just discussed have been added to the bulk table that is shown on the plan. I have also added a note about the use variance that were granted which we're about to discuss and that is the only changes that were made to the plan. The site plan aspect of this application the major issue was the apartments because it's a multi-family use. Now you had some existing, he added some, and there was some problems with compatible use between the apartment building and a tenant he had in a garage that was doing car detailing or something. He had to get rid of the tenants so it has been vacant for a while and the other thing we got or sought and received from the ZBA was a multi-use variance that allowed for a fifth apartment to go into that dead space that he couldn't, he tried and couldn't find a tenant. The only compatible use you have already got four apartments, put a fifth one in so that variance was granted by the ZBA.

MR. PETRO: That is where proposed apartment is?

MR. HILDRETH: Correct.

MR. PETRO: Isn't that the garage?

MR. MONACO: That is the old garage, Crystal Auto Glass.

MR. HILDRETH: I'm sorry, it was auto detailing, well, it was cars, I remember that. Aside from that, you know--

MR. PETRO: Let's back into this. The one story framed single family residence that has been there from 1930, we're not touching that, nothing is changing, it's

there?

MR. HILDRETH: Nope.

MR. PETRO: That is another lot now and has nothing really to do with the plan, same with the trailers in the rear, you're not adding new trailers, been there since 1930, so we're really not looking at anything there. Remember the circumstances surrounding the whole thing I know there was a problem with parking, I guess then the fire inspector had gone down and found the apartments so he's trying to conform with the town at this point and you changed the use from that clean up shop or glass place because it was, he already had the apartments, that is why he wanted to go with the fifth apartment.

MR. HILDRETH: It was the only thing that made sense.

MR. BABCOCK: State Code would not allow you to have the car repair inside that building because of the multi-family.

MR. PETRO: Multi-family, it's not permitted, not caretaker.

MR. BABCOCK: Yeah, it's not permitted.

MR. PETRO: Let's talk about parking, that would be my only question here.

MR. HILDRETH: Obviously the site is deficient in terms of code. That was discussed at the ZBA meeting and variances were granted for parking as well, part of that discussion involved the fact that the single family residence has its own parking, you're required spaces and they have that. The mobile home parking takes place on Clancy Avenue, it's not on this site. So the balance of the parking for that large tax lot 2 occurs in all that paved area that is shown up on the plan.

MR. PETRO: But we know for a fact that he is in car sales and he's parking cars that are for sale in the rear lot.

MR. HILDRETH: Correct, but there's no advertisement, there's no fliers, there's no banners, just where he keeps them, they don't stay there very long.

MR. PETRO: But he's still using up parking spaces that could be otherwise dedicated to the five apartments.

MR. HILDRETH: That is correct.

MR. PETRO: Mike, in the City of Newburgh, it's one and a quarter cars per apartment, what's New Windsor? I know it's a ridiculous number.

MR. BABCOCK: Two.

MR. PETRO: So you need ten spaces.

MR. HILDRETH: The reality of it is he can probably fit 18 to 20 cars in the back there but not in 10 by 20 spaces. There are four apartments there now, and he has absolutely no trouble with room to spare and I have got pictures to prove it because we gave them to the ZBA.

MR. PETRO: Where do they park now the cars?

MR. MONACO: In the back.

MR. PETRO: The gate that you have up is it still there?

MR. MONACO: Gate's there, just open.

MR. LUCAS: Is there accessibility from Clancy if you need it?

MR. PETRO: No.

MR. HILDRETH: Well, not in terms of immediate access but if the trailers ever have to go in and out, didn't you say they went in and out that way?

MR. MONACO: Yeah, there's a gate there, we left it for privacy for the back street, there was a gate.

MR. HILDRETH: But it's not in use for access.

MR. PETRO: Bill, you haven't drawn the parking spaces on the map, obviously you didn't do it for a reason?

MR. HILDRETH: I had them there but I took them off because once the variance was granted for parking spaces, I didn't want to necessarily get into how many in terms of code because obviously a 10 by 20 space you know we might be able to fit the ten spaces in that we need for the apartments but if Carmen happens to have five or six cars back there now you're going to have 10 or 12 cars and you don't have 10 or 12, 10 by 20 foot spaces but you can double park cars and have room to turn around. I have driven in with my car when he's had cars parked there and you can do it.

MR. PETRO: I'm only concerned about adding another apartment and adding two more cars.

MR. HILDRETH: Carmen's had 3, 4 apartments there along with the used car sales for quite some time and has room to spare.

MR. PETRO: Only thing in his favor where the glass shop was they had overhead doors in the front which had to be accessible now that that is gone.

MR. MONACO: There's more parking in the driveway, he had three employees at the glass shop and we also never had a problem. Now we don't need to get in there, you can park along the driveway.

MR. LUCAS: Still gives you enough room to go around.

MR. MONACO: Oh, yes.

MR. PETRO: Let me ask you this one more time. You're not drawing the parking spaces on the plan because it's physically impossible?

MR. HILDRETH: Well, I can't draw them to code, the site is functional for the use that it is being used for at the moment.

MR. PETRO: I accept that it needs 12 parking spaces, 8, 2, and 2 for the used car and you're saying that he actually fits 18 on the property?

MR. HILDRETH: You can park that many in the back, yes, but not on 10 by 20 spaces and not with a 24 foot aisle space between them.

MR. PETRO: Was there fire approval on this application or lot line?

MS. MASON: No, it's on the site plan.

MR. PETRO: We have fire approval, gentlemen, on 1/4/96, sewer, 3/26/96, water 1/4/96 and highway 1/6/96 so the fire department does not have a problem with it. Mark, what do you have to add about the parking?

MR. EDSALL: It's obviously one of the discussions we have had at the workshop. The problem is you can't fit all the spaces on the site and as Bill said it's worse when you try to make them fit as per the current Town Code. I was not at the ZBA meeting but it's my understanding that they got the full variance so you might want to check with Andy to make sure that that is exactly what the Zoning Board voted and if they did, they have got the variance then it's just a matter of--

MR. PETRO: I understand that but I can't imagine, not that I won't go along with it cause he's really had it here and I know for a fact that it works cause I parked there myself but to vote and approve a site plan that doesn't have any parking shown on it, I just don't understand that, I mean I don't think I have ever done that in the six years I have been chairman.

MR. EDSALL: Part of the confusion is and the question I asked is when you have multi-family and you have a limited amount of space and then you take that space that is left and then devote it to another use and take away the spaces that you had then you're more or less creating a lack of available space but apparently they made a good case to the ZBA.

MR. STENT: Right now, it's going to be a better situation because Crystal Glass is gone and with the three employees there as well as the customers for Crystal Glass as well so there may have been cars, six or seven cars sitting there because of Crystal Glass, taking a bad situation and making it better.

MR. LANDER: How many spaces do you need by code?

MR. HILDRETH: Ten for the apartments and if you want to assume two for the used car business that would be 12.

MR. LANDER: So they gave you a variance for six?

MR. HILDRETH: But don't forget--

MR. LANDER: Half the amount.

MR. HILDRETH: He is going to have, you know 6, 7, 8 cars of his own there from time to time, but they don't stay there long. If he has a car he can't get rid of, it doesn't stay there, I have one copy of the Zoning Board decision if you want to see it. I need it back.

MR. PETRO: No. You told us what it says. I don't want to proofread what you said.

MR. HILDRETH: Okay.

MR. PETRO: Again if it's an existing situation, the four apartments have always been there, it works, the business is going to be two more cars, he had Crystal Glass in there which certainly took up more than two cars and physically, I think we all agree this is going to work. I just don't know how to say this plan is nice the way it is, let's stamp it and get it out there with no parking spaces. Andy, do you have any problem with that? You can say no.

MR. KRIEGER: No, I understand your problem with it but legally you can go either way.

MR. PETRO: When I did Orange Boat, I would have said we're going to park over there and that would have been

the end of it. I don't need any parking spaces shown. You follow my point? And yet I know I'm not trying to give you a hard time with this, I know I park there myself, I never had a problem. If nobody else has a problem, I will go along with it.

MR. LANDER: I'd like to take a look at it, Mr. Chairman.

MR. LUCAS: No, it worked before and you're asking, they are asking actually for less so I don't have a problem with it.

MR. DUBALDI: I don't have a problem with it.

MR. STENT: No problem.

MR. LANDER: I know where it is.

MR. PETRO: Right across from Freddy Thompson's place there.

MR. DUBALDI: Ron, even I have been there.

MR. PETRO: We have all the approvals into the minutes, what other outstanding comments?

MR. EDSALL: Some procedural items to go through, that's about it.

MR. PETRO: So Ron, you want to back off that, if everybody else feels it's good enough?

MR. LANDER: I'm only one member, Mr. Chairman.

MR. PETRO: I would like to have everybody in harmony.

MR. DUBALDI: Make a motion we declare lead agency under the SEQRA process for the Monaco site plan.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for Monaco site plan on Walsh



Road. Is there any further discussion from the board members? If not, roll call.

MR. LANDER: Can you repeat the motion again?

MR. PETRO: Lead agency.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. STENT: Bill, did you say there's 62 notices that went out for public hearing and nobody showed up?

MR. HILDRETH: Nobody.

MR. STENT: Waive public hearing.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under it's discretionary judgment for the Monaco site plan on Walsh Road. Is there any further discussion from the board members? If not, I'm not sure about the public hearing but being that you had one at the zoning board and no one showed up.

MR. HILDRETH: That was 500 feet, it's site plan would be adjoiners and across the street, right?

MR. PETRO: Everything there is existing, you're not adding anything, matter of fact, you're eliminating one business, so maybe that is why no one showed up. Roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE

MR. LUCAS                    AYE  
MR. PETRO                    AYE

MR. DUBALDI: Make a motion we declare negative dec under the SEQRA process.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Monaco site plan on Walsh Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI                AYE  
MR. STENT                  AYE  
MR. LANDER                AYE  
MR. LUCAS                  AYE  
MR. PETRO                  AYE

MR. PETRO: Just going to go back one more time with the parking, nobody has any problems with the plan as it's shown.

MR. LUCAS: No, I don't.

MR. PETRO: You understand it's a pre-existing condition, they met all the, they have received all the variances at the zoning board which includes parking, correct?

MR. HILDRETH: Yes, it did.

MR. LUCAS: Make a motion we grant final approval.

MR. LANDER: How many spaces were variances for?

MR. HILDRETH: They didn't specify a number, based on almost exactly the same discussion we just had.

MR. PETRO: It is unusual? I don't ever remember.

MR. HILDRETH: This is the most unusual application.

MR. PETRO: So the voting is on site plan without showing parking spaces.

MR. HILDRETH: This is it.

MR. LUCAS: Motion for final approval.

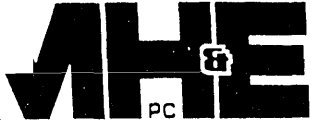
MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Monaco site plan on Walsh Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	ABSTAIN
MR. LUCAS	AYE
MR. PETRO	AYE

MR. HILDRETH: Thank you for your patience.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

THOMAS D. McGOEY, P.E.  
LIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

96-1  
96-2

TOWN/VILLAGE OF New Windsor

P/B # \_\_\_\_\_

WORK SESSION DATE: 2 Jan 97

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: No

new plans

PROJECT NAME: Monaco 4/2 and 5/p

PROJECT STATUS: NEW \_\_\_\_\_ OLD \_\_\_\_\_

REPRESENTATIVE PRESENT: WPH

MUNIC REPS PRESENT: BLDG INSP. in bldg  
FIRE INSP. X  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify): \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- List all variances granted (#s - title)
- date variance granted
- list use variance for multiple lot
- note comment re Andy K - got all needed variances

Meeting set for 1/8/97 mtg



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.

WILLIAM J. HAUSER, P.E.

MARK J. EDSALL, P.E.

JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
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- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** MONACO SITE PLAN  
**PROJECT LOCATION:** WALSH ROAD  
SECTION 13-BLOCK 2-LOTS 2 AND 22  
**PROJECT NUMBER:** 96-2  
**DATE:** 8 JANUARY 1997  
**DESCRIPTION:** THE APPLICATION INVOLVES A REVIEW OF EXISTING  
USES ON TWO OF THE LOTS RELATED TO THE MONACO  
LOT LINE CHANGE (APPLICATION 96-1), AS WELL AS THE  
NEW USES REFERENCED ON THE PLAN. THE PLAN WAS  
PREVIOUSLY REVIEWED AT THE 10 JANUARY 1996  
PLANNING BOARD MEETING.

1. This application was reviewed at the 10 January 1996 meeting and was referred to the Zoning Board of Appeals for use variances and a parking variance. At this time it is my understanding that the Applicant has received all the necessary variances with regard to these two lots; this can be confirmed with the Attorney.
2. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
3. The Planning Board should determine, for the record, if a **Public Hearing** will be necessary for his **Site Plan**, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.
4. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
5. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk  
A:MONAC-S2.mk

In the Matter of the Application of

**CARMEN MONACO**

**MEMORANDUM OF  
DECISION GRANTING  
USE & AREA VARIANCES**

#96-29

**WHEREAS, CARMEN MONACO**, of 120 Walsh Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for the following: Lot #2-Use variances for multi-family, service establishment, used car sales, area parking spaces. Lot #3: Proposed 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard, 11.5 ft. side yard, 19.3 ft. total side yard, 1.31 ft. required frontage, 21%developmental coverage for lot line change, three lots from four, at the above location in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 12th day of August, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared before the Board for this proposal himself and by William Hildreth, L.S. and Daniel J. Bloom, Esq.; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a mixed residential and commercial property on which there are a number of uses located in a mixed residential and commercial zone.

(b) The Applicant seeks a number of bulk variances in order to effect a lot line change to make the lot lines more compatible with the existing uses and also seeks a use variance for multi-family use for the site.

(c) The other uses for the site appear to be pre-existing zoning.

(d) The property in question is comprised of four separate tax lots. The proposed lot line change will convert those four lots into three lots if granted.

(e) At the time of the purchase by the present owner, this property contained a single-family residence, three mobile homes and a large frame structure that contained some apartments, a machine shop and two garages. Since that time as a result of an Order to Remedy issued by the Town of New Windsor, two more apartments were constructed in the large frame building.

(f) The remaining former garage is vacant and has no tenant. The Applicant asks permission to install a fifth apartment in that space.

(g) The Applicant's purpose in seeking bulk variances to facilitate lot line changes is to "clean up" some encroachment over the existing property lines as they existed when the present owner purchased the property. It is also designed to separate the uses so that it will not be a mixed residential and commercial use on a single tax lot.

(h) The footprint of the property and its over-all layout will not change if variances are granted and the existing uses of the property will not change with the exception of the addition of a fifth apartment.

(i) The appearance of the property has greatly improved since the time it was acquired by the present owner, the Applicant herein.

(j) The property as it existed when the Applicant purchased it contained a machine shop, two apartments, an auto repair shop and an auto detail shop. The commercial uses were noisy, unattractive and incompatible with residential use. By this Application the Applicant seeks to permit more residential use and to eliminate the possibility of these noisy and unsightly commercial uses.

(k) An Affidavit was produced from a prior owner and occupant of the property showing that the property was used in part as an automobile repair shop since well before the enactment of the Zoning Code.

(l) A second Affidavit from a second deponent came from the wife of a person who used to sell cars on the property again establishing that that use pre-dated zoning.

(m) It appears that the trailers to the rear of the property have been there since the enactment of the Zoning Code. The location of the proposed fifth apartment would be contiguous to the existing four apartments and consistent with that existing usage.

(n) The state and local Fire Code prohibits maintaining an automobile repair shop next to a residence so the existing shop could not be used for any purpose in which an automobile is

brought into the shop including the former automobile glass business, making a use as an apartment the only available use for that portion of the property.

(o) It appears that it will be permissible to expand the existing apartments into the space proposed for the new apartment and, therefore, the building would be entirely used for residential use.

(p) Not only is commercial usage involving the driving of an automobile prohibited by State Code but the physical layout of the site would prohibit the Applicant from providing the parking called for by the New Windsor Zoning Code for a commercial use.

(q) Although variances are requested for the number of parking spaces that are allowed it appears that given the present uses of the property, the supplied parking is adequate and that there is no parking on the adjacent roadway.

(r) An Affidavit was presented from the Applicant's CPA containing a cash flow analysis concerning the income producing structures on the properties and it shows a substantial monetary loss to the Applicant if the requested use variance is not granted, so that that property cannot be operated so as to produce a profit and is, therefore, not desirable or valuable without the variance.

(s) The property is too small and unsuited for the other possible uses listed in the R-4 zone making the only possible use of this property as residential.

(t) Testimony was received from a certified real estate appraiser on behalf of the Applicant. The testimony of the real estate appraiser showed that without the requested use variance the owner of the property, in this case the Applicant, cannot realize a reasonable return from the property since he would be unable to realize a profit yearly much less be able to amortize the \$165,000. purchase price of the property.

(u) It appears that if the use variance applied for were denied, the property would be worth approximately \$33,400. The income from the other properties, e.g. the trailers, was not calculated into this since there is only one lot on which a use variance is sought and these other uses are not contained on that lot.

(v) According to the Building Inspector, it is not technically feasible for the Applicant to remove that apartment and put in a one-family home and that use under the Zoning Code is not feasible.

(w) Although the lot on which the single-family home is presently located is already substandard and the requested variances if granted would increase the degree by which this lot is substandard, it appears that the new lot is more desirable than the existing lot, even considering the reduced size and there will have no impact on the neighboring properties.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the



following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted because the appearance of the properties will be unaffected and the benefits in realigning the lot lines to conform with the existing uses of the properties far outweighs any possible detriment.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created in part because he is reordering and realigning the existing property but is not self-created in that the affected properties do not increase nor does the footprint of the structures located thereon increased inspite of the requested variances. Variances should nevertheless be granted.
6. The benefit to the Applicant if the requested variances are granted, if granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.
9. The Applicant cannot realize a reasonable return on the property without the granting of a use variance for the installation of two more apartments. That lack of return is substantial as demonstrated by the competent financial evidence presented by the testimony of Applicant's expert.
10. The hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood since this property is unique and there is no other property to the knowledge of the members of the Zoning Board of Appeals either in this district or without the district like this property.

11. The requested use variance if granted will not alter the essential character of the neighborhood since that character is as a mixed commercial and residential use and such proposed use would be consistent with the residential use in the neighborhood.

12. The alleged hardship has not been self-created because the minimum area requirements of the Zoning Code and the requirements of the state and local Fire Codes prohibit any other use other than for which this variance is sought.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT the variances requested in the first paragraph above listed, at the above location, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 9, 1996.

  
Chairman

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/08/97

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 96-2

NAME: MONACO, CARMEN SITE PLAN  
APPLICANT: MONACO, CARMEN

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	01/04/96	MUNICIPAL HIGHWAY	01/06/96	APPROVED
ORIG	01/04/96	MUNICIPAL WATER	01/04/96	APPROVED
ORIG	01/04/96	MUNICIPAL SEWER	03/26/96	APPROVED
ORIG	01/04/96	MUNICIPAL FIRE	01/04/96	APPROVED

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/08/97

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 96-2

NAME: MONACO, CARMEN SITE PLAN  
APPLICANT: MONACO, CARMEN

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
03/06/96	REFERRAL SENT TO Z.B.A.	
01/10/96	P.B. APPEARANCE	REFERRED TO Z.B.A.

OFFICE OF THE PLANNING BOARD - TOWN  
ORANGE COUNTY, NY

#1 6-10-96  
SET UP FOR P/H

#2 ZBA 8-12-96  
APPROVED

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 96-2

DATE: 1 MAR 96

APPLICANT: CARMEN MONACO

720 WALSH AVE

NEW WINDSOR NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 12 DEC 95

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

LOCATED AT WALSH AVE

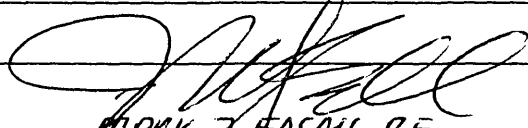
\_\_\_\_\_ ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 13 BLOCK: 2 LOT: 2, 3, 20, 22

IS DISAPPROVED ON THE FOLLOWING GROUNDS: \_\_\_\_\_

PROPOSED LOT 2 - USE VARIANCES (MULTI-FAMILY, SERVICE ESTAB, USED CAR)

PROPOSED LOT 22 AND LOT 2 PARKING VARIANCES

  
MICHAEL J. BABCOCK P.E.

MICHAEL BABCOCK  
BUILDING INSPECTOR

\*\*\*\*\*

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE <u>AS NOTED ABOVE</u>		
MIN. LOT AREA	_____	_____
MIN. LOT WIDTH	_____	_____
REQ'D FRONT YD	_____	_____
REQ'D SIDE YD.	_____	_____
REQ'D TOTAL SIDE YD.	_____	_____
REQ'D REAR YD.	_____	_____
REQ'D FRONTAGE	_____	_____
MAX. BLDG. HT.	_____	_____
FLOOR AREA RATIO	_____	_____
MIN. LIVABLE AREA	_____	_____
DEV. COVERAGE	_____ %	_____ %
O/S PARKING SPACES	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

cc: FIRE  
INSP.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

MARCH 4, 1996

PROPERTY ASSESSED TO: CARMEN MONACO  
120 WALSH AVENUE  
NEW WINDSOR, N.Y. 12553  
SECTION 13, BLOCK 2, LOT 2

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1932 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

THE ASSESSOR'S RECORDS INDICATES TWO (2) APARTMENTS AND TWO (2) BUSINESSES WERE CONVERTED TO FOUR (4) APARTMENTS AND TWO (2) BUSINESSES IN 1994 WITHOUT A BUILDING PERMIT. THE ASSESSOR'S RECORDS ALSO INDICATE THE CONSTRUCTION OF AN ADDITION, A ONE (1) STORY BLOCK BUILDING, WITHOUT A BUILDING PERMIT. ALSO BE ADVISED THAT THE ADDITION IS PARTIALLY LOCATED ON SECTION 13, BLOCK 2, LOT 3.

ENCLOSED, PLEASE FIND A COPY OF A REPORT FROM THE OFFICE OF THE FIRE INSPECTORS

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES. HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

ITILL #2 INCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR  
TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE  
INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF  
COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED  
AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BABCOCK  
BUILDING INSPECTOR

RS:ldm



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

December 15,

120 Malsh Ave.  
New Windsor, N.Y. 12553

Monaco Apartments  
120 Malsh Ave.  
New Windsor, N.Y. 12553  
Sec/Blk/Lot: 13/2/2

At Farmen:

On 13 December 1993 a site visit at the above referenced facility was conducted to determine the feasibility of allowing four (4) apartment units to remain within a multiple occupancy use building. Areas to be addressed in the building permit process specific to the multiple dwelling use only were as follows:

- 1.) All plumbing piping shall be securely fastened to structural members in accordance with Plumbing Code requirements and generally accepted construction practices.
- 2.) All accumulations of combustible storage shall be removed from furnace room enclosure.
- 3.) Electrical distribution box circuit breakers shall be labeled to which branch circuits they affect, as well as the apartment number.
- 4.) A two (2) hour U.L. approved fire rated enclosure shall be provided for both furnace rooms; under the stairs and in concealed space on second floor.
- 5.) A three-quarter 1 - 1 1/2 hour u.l. approved, self closing opening protective shall be provided for both furnace rooms; under the stairs and in concealed space on second floor.
- 6.) All natural gas heating appliances (furnaces and hot water heaters) shall have "spill damper" control switches installed which would automatically terminate unit operation should flue pipe become clogged.
- 7.) Emergency lighting shall be provided for apartment hallway which would automatically illuminate the area during electrical power failures.

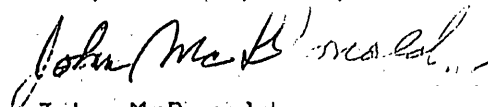
8.) The second floor concealed space where the furnace and the water heater are located shall be provided with fresh air directly from the exterior only.

9.) Stairwell hallway to second floor does not provide the required head room as required by New York State Uniform Fire Prevention and Building Code requirements. Codes appeal Board would have to be obtained.

These areas are only a partial listing of an overall project that will be required to be addressed under the building permit process. The only specific to the areas of concern that were brought up at a meeting in November on the project. Although, originally the areas may have been prohibited, the New York State Uniform Fire Prevention and Building Code allows alternative means to be used to allow greater area of feasibility.

Should you have any further questions or concerns, please feel free to contact me at 14 563-4602.

Very truly yours,



John McDonald  
Fire Inspector

JHM:mr

cc: Michael Babcock, Building Inspector  
William Heldreth



1763

MARCH 4, 1996

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

PROPERTY ASSESSED TO: MARY G. FAIRCELLIA (CARMEN! HOWACO)  
126 WALSH AVENUE  
NEW WINDSOR, N.Y. 12553  
SECTION 13, BLOCK 2, LOT 3

DEAR SIRs:

PLEASE BE ADVISED THAT THE ABOVE REFERENCED STRUCTURE WAS BUILT 1940 WHICH WAS PRIOR TO THIS TOWN ADOPTING BUILDING AND ZONING CODES IN 1966. THEREFORE, THERE IS NO CERTIFICATE OF OCCUPANCY NOR IS ONE REQUIRED.

PLEASE BE ADVISED THAT AN ADDITION FROM SECTION 13, BLOCK 2, LOT 2 IS PARTIALLY LOCATED ON THIS PROPERTY.

THE ASSESSOR'S RECORDS INDICATE THE CONVERSION TO OFFICE SPACE FOR ACTION AUDIO WITHOUT A BUILDING PERMIT. ALSO THE CONSTRUCTION OF A FENCE WITHOUT A BUILDING PERMIT.

PLEASE BE ADVISED THAT A BUILDING PERMIT #1516 WAS ISSUED FOR A CORNER. TO DATE NO CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED FOR THIS PERMIT.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BABCOCK  
BUILDING INSPECTOR

HB:ldm



1763

MARCH 4, 1996

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

PROPERTY ASSESSED TO: CARMEN MONOCO  
134 WALSH AVENUE  
NEW WINDSOR, N.Y. 12553  
SECTION 13, BLOCK 2, LOT 20

DEAR SIRs:

THE ASSESSOR'S RECORDS INDICATE THAT THIS PROPERTY IS VACANT PROPERTY.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE SUBJECT PREMISES.

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VERY TRULY YOURS,

MICHAEL BARCOCK  
BUILDING INSPECTOR

HB:ldm



1763

MARCH 4, 1996

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

PROPERTY ASSESSED TO: CARMEN MONOCO  
23 WALSH AVENUE  
NEW WINDSOR, NY 12553  
SECTION 13, BLOCK 2, LOT 22

DEAR SIR:

THE ASSESSOR'S RECORDS INDICATE THAT THREE (3) TRAILERS EXIST ON THIS PROPERTY WITHOUT PROPER BUILDING PERMITS AND THAT ONE TRAILER WAS REMOVED AND REPLACED WITHOUT A BUILDING PERMIT.

WALSH AVENUE IS OWNED AND MAINTAINED BY THE TOWN OF NEW WINDSOR.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE VIOLATIONS AT THE SUBJECT PREMISES. NO PERSONAL INSPECTION WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE ARE NO OTHER VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY OTHER VIOLATIONS AT THE SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED AND IS IN OPERATION.

VERY TRULY YOURS,

MICHAEL BARCOCK  
BUILDING INSPECTOR

MB:Jdm

MONACO, CARMEN SITE PLAN (96-2) WALSH ROAD

William Hildreth appeared before the board for this proposal.

MR. HILDRETH: Just continuing the discussion now that you know what's on the lot.

MR. PETRO: Now you know my confusion.

MR. HILDRETH: I have been confused on this and I have had a lot more time to look at it than you have. The site plan aspects of this are much more complicated, obviously, there's all of the deficiencies with respect to bulk requirements but we're also going to need some use variances. What I think this board needs to understand is what was, what's pre-existing, what was there when he bought it and what he wants to do now.

MR. EDSALL: Just if I can interject one item.

MR. PETRO: Mark, let me ask you one question before you get to your question. Why are we looking at a site plan if we don't even know that the lot lines are going to be in those positions?

MR. EDSALL: Mainly because we want to send him to the ZBA once and when he's there, he not only needs, he needs variances relative to the lot line change and he also needs variances relative to the uses so--

MR. PETRO: I think that the board should review it then as the building stands themselves and the trailers but not looking so much at the lots as the new one configuration, we'll just look at what's on the entire parcel.

MR. EDSALL: For this application, you then can look at the uses and I would say not necessarily worry about the lot lines, although in reality you have to understand that the parking spaces which is another variance they need parking variance depends upon where the lot lines are located. So in fact, you can't ignore that the lot lines are being changed. What I want to say was is that Bill is referencing

pre-existing conditions and as Mr. Monaco bought it although it may be relevant to Mr. Monaco's site as to how he bought it, my comment to the board number two indicates that when this goes to the ZBA, the assessor and the building inspector are going to have to advise the zoning board and I would say subsequently this board what status the uses have relative to the law because if these uses or any of these uses that are not permitted in the zone were created after zoning was created in the town and they didn't have the benefit of any approvals, they are not pre-existing nonconforming, they are illegal. There is a big difference, Andy, correct me if I am wrong.

MR. KRIEGER: That is correct.

MR. EDSALL: Although Mr. Monaco may have bought it that way, he may have bought something that was illegal so I think the board shouldn't even discuss what may be pre-existing nonconforming, everything else, because that is something that Mike is going to have to let the ZBA know when he goes to the ZBA when it comes back from those people, one of two things are going to happen, either they'll determine it's previous existing nonconforming and has the right to continue or they are going to need variances. If they deny the use variances, well then they are going to come back and it's going to have to come off the plan.

MR. DUBALDI: I'd like to go down and take a look at it. I think we should do that before we really go any further.

MR. PETRO: Well--

MR. KRIEGER: It's got to go to the zoning board.

MR. EDSALL: It's going to be cleaned up when it goes to them.

MR. PETRO: I know the site but I know Ed goes passed it and you really should go down and take a look at it, I think we should discuss first where it is, what zone.

MR. BABCOCK: R-4.



MR. PETRO: What's permitted there that is on the property?

MR. HILDRETH: What's permitted?

MR. BABCOCK: It's a residential zone.

MR. PETRO: Two story frame is a permitted use?

MR. HILDRETH: Single family residence, yes.

MR. PETRO: Now you have all the apartments.

MR. BABCOCK: No, they are not permitted.

MR. PETRO: Basically, my question is what's legal use, just the house?

MR. HILDRETH: All right, to get to answer your question, I want to go back.

MR. EDSALL: If they all existed prior to zoning and they have pre-existing nonconforming status, they are all legal. If they were expanded which my understanding is that there may have been new apartments created if those additional apartments were created, they could in fact the additional apartments could be illegal.

MR. HILDRETH: Correct.

MR. EDSALL: That is a whole investigation on its own.

MR. PETRO: My point that I am trying to get at, what's in the eyes of the Town of New Windsor what's legal here?

MR. BABCOCK: I think what Mr. Monaco, where his problem came in is that it was my understanding that he added two additional apartments. Other than that, nobody ever had a problem with it. It's when he added the two extra apartments is when I came into, got involved in it, and then it just started getting crazy because now he went two apartments in that building was

okay. But when he added the third and the fourth one, that is when the problem came in as far as separation between that and the commercial.

MR. PETRO: How about the new fifth one?

MR. BABCOCK: Well, that is another.

MR. PETRO: How about the glass shop as it stands, that was added after the fact, correct?

MR. DUBALDI: Does he have fire separation between the new apartment area and the existing commercial?

MR. BABCOCK: I don't know that.

MR. HILDRETH: That is the problem with the auto glass because he can't do that, that is why that is going to go, we already know that. The third apartment may have been there when he bought it, I'm not too sure, the fourth one he did add, I have gone to the tax assessors and I believe we're talking 1966 is the date we're looking for.

MR. BABCOCK: That is correct.

MR. HILDRETH: There were three trailers there in 1966, there were four there in 1963, so they have been there since or prior to the zone.

MR. EDSALL: What commercial uses were on the lots in '66.

MR. HILDRETH: It was just listed as commercial, I believe, I don't know if it was listed as a machine shop or not.

MR. PETRO: I can tell you there was a machine shop there for years.

MR. HILDRETH: It may have been.

MR. PETRO: I can tell you it was 1968 when I was there and that machine shop was there, I know for a fact.

MR. EDSALL: The ZBA is going to have to make a decision that it is there as a pre-existing or if it needs a variance, they are going to have to, when they come back to us after being at the ZBA, it's going to have to all be straightened out, that is the only way they can come back.

MR. HILDRETH: In 1930, in 1930, it was just listed as commercial two apartments and a shop which was a garage but it was just listed as a shop. 1930 is as far back as I can go.

MR. PETRO: Let me ask you this though. I think this other apartment that you want to build a fifth apartment you already have two illegal ones to start with now you're going to try and build a fifth one, I don't understand the thinking there.

MR. HILDRETH: The thinking there is keep in mind these buildings were here, he has not changed the footprint, he hasn't added any square footage, it's conversion for lack of a better word. For instance, the sales office used to be the garage for this house. He has this space here, he's got to get rid of a good paying tenant, what's he going to do with the space. We have tried and tried and tried to find a substitute commercial use and can't because of the proximity to multi-family and you know you're dealing with existing building, fire separations among other things, there's a whole book full of building codes that you got to comply with that you can't here. So what's he going to do with the spaces, yes, thing to do is to make it into another apartment.

MR. PETRO: What was it when he bought the place?

MR. HILDRETH: That initially when it was built was a garage which is why it made an ideal auto glass operation.

MR. STENT: It was a garage for parking a car.

MR. HILL: Yeah, they probably did oil changes.

MR. PETRO: They had a machine shop and wasn't it under

the main building also?

MR. HILDRETH: The main structure is the large portion of this L-shaped building and the bottom floor is 1,500 square feet in here.

MR. PETRO: What are we looking for from the planning board, Mark, tell me?

MR. EDSALL: Bottom line is that you have to send them to the ZBA and the only thing that I suggested that you talk about just so that your concerns would be in the minutes when the ZBA looks at it is the parking. And I just wanted, that is really the only aspect I wanted to bring to your attention tonight is the fact that you have got the proposed five apartments, you have got the proposed sewing machine shop, I don't know the square footage of, you have got used car sales which require customer and employee parking and the display parking and all of which has to fit on that middle lot.

MR. PETRO: New lot number 2.

MR. EDSALL: That is right and you have also got to consider that the mobile home park in its pre-existing condition has all its parking spaces off the property. That I think is less of importance as the fact that it--

MR. PETRO: I don't see that as a problem. That has existed for quite a bit of time. I'm more concerned with the center lot.

MR. EDSALL: I agree if they have a deficiency now and they are proposing to add an additional apartment to the two that were added without approvals, what is it, two spaces per apartment, they effectively have six spaces more that they are short on top of whatever they are short before.

MR. PETRO: That is why I was asking you already if we're going to try to make this thing work to kind of accommodate the problems that are existing but to create another one on top of it, how would you possibly give that a recommendation, I don't understand that.

MR. HILDRETH: I don't know that I am here to ask the board for a recommendation, I just need a ticket to the ZBA. And if they don't see it as something that deserves the granting of a variance, we're not going to get the variance.

MR. EDSALL: I think Jim what I was, I wasn't looking for the board to say which use they like, don't like, if the board truly believes that this is a problem, I think the minutes should reflect that the planning board believes there may be a parking problem here so the ZBA is aware that not only should they be concerned but this board is concerned and I don't know if you are or not before it goes over.

MR. PETRO: There's a concern with the parking and I also know that it has been there for a long time and it's an existing problem. We want to make it work. We want to work with Monaco but to create more parking problems on top of what's there is what I find not acceptable and I think our minutes reflect that.

MR. HILDRETH: ZBA may well agree with you, Mr. Chairman.

MR. PETRO: I'm going to put it in their hands and their lap, but that is my feeling. I'm one member. I don't know how the other members feel as far as I don't take all the uses away, it's been there a long time and I think he should have a right to continue but he's got to do it in a fashion that work for everybody, including the town.

MR. EDSALL: When the ZBA looks at this, the difficulties that are involved is that the rear area of the center lot is gated off so that is not usable, other than for the used car use so those spaces effectively become unavailable. The other spaces are very limited, looks as if there's probably what about five over there.

MR. HILDRETH: You have got room for maybe five cars there and you have to be careful how you park them.

MR. EDSALL: They are angled spaces which means you can pull in but you have to back out onto Walsh Road to get out which Walsh Road is a heavily traveled road so layout wise, from an engineering standpoint, I have a concern that the greatest available usable parking spaces are being gated off and that the parking spaces for the proposed five apartments are such that you have to back out onto one of the busiest roads of Town of New Windsor to get out if the parking space.

MR. DUBALDI: What about handicapped parking, I don't see anything on the map?

MR. EDSALL: They'll need that for the used car, for the residential, I don't--

MR. PETRO: But he can make one in the rear.

MR. EDSALL: I'm just saying I think even if you look at the limited number of spaces the way they are gated off, make them unusable.

MR. PETRO: Why do we need the gate to block that off?

MR. HILDRETH: It's not that we need it, this plan at this moment is reflecting existing conditions and the lot line change, that is it.

MR. PETRO: Mark is saying if the gate can be removed, it would ease some of the parking problems.

MR. BABCOCK: They are going to display cars for sale so they are going to be full anyway, those spaces.

MR. EDSALL: So again, there's a lot of concerns and I think the Zoning Board, when they look at this, should be fully aware this parking is a significant issue.

MR. PETRO: The minutes are going to reflect that we have discussed, I don't want to take up anymore time with it. Bill, do you have anything to add to it?

MR. HILDRETH: I don't think so.

MR. PETRO: You're being sent now on the lot line

change also now for the uses. Do we need a--

MR. EDSALL: You need a referral for the site plan.

MR. PETRO: For the use variances that are going to be required?

MR. EDSALL: Use and parking.

MR. BABCOCK: Use and area.

MR. HILDRETH: As we can through the process with the ZBA, we may add or delete some things.

MR. PETRO: Can we have a motion for final approval for the Monaco site plan?

MR. DUBALDI: So moved.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grants final approval to the Monaco site plan on Walsh Road. Are there any further discussions from the board members? If not, roll call.

ROLL CALL

MR. STENT	NO
MR. DUBALDI	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been sent to the zoning board for your use and area variances for the site plan. Once you have acquired those, you'll be put on the next available agenda for the New Windsor Planning Board. Thank you for coming in.

MR. HILDRETH: Thank you.

B.2.

ZONING BOARD OF APPEALS

Summer Session

August 12, 1996

AMENDED AGENDA:

7:30 p.m. - Motion to accept minutes of the 07/08/96 meeting as written if available.

PRELIMINARY MEETING:

- NO SHOW*
- ✓ 1. ANNICET, CLAUDINE - Request for 16 ft. 5 in. rear yard variance for proposed deck on corner lot at 24 Hudson Drive in an R-4 zone. (44-1-1).
- SET UP FOR P/H*
- ✓ 2. ERNENWEIN (ROSENBAUM) - Request for 5 ft. rear yard and 2 ft. maximum building height variances for Rosenbaum building located at 389 Route 32 in a C zone. (65-2-16.1).

PUBLIC HEARINGS:

- APPROVED*
- ✓ 3. EACHUS, CHRIS - Request for variance for 55% developmental coverage to construct pool at 110 Clancy Avenue in an R-4 zone. (13-15-2).
- APPROVED*
- ✓ 4. MONACO, CARMEN - Referred by P.B. for the following: Lot. #2-Use variances for multi-family, service establishment, used car sales; area: parking spaces. New Lot #3 proposed: 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard (pre-existing), 11.5 ft. Side yard, 19.3 ft. Total side yard, 1.31 ft. required frontage, 27% dev. coverage for lot line change (three lots from four) at Walsh Avenue in R-4 zone. Present: William Hildreth, L.S. (13-2-2,3,20,22).

- FORMAL DECISIONS: (1) Kim (Sugar Peas)  
(2) Wal-Mart/HVFCU  
(3) Johnson  
(4) Helmer/Insul-Sash  
(5) Petronella  
(6) Lindemann  
(7) Tepper  
(8) Schultz  
(9) Abbott

*APPROVED*

Pat - 563-4630 (o)  
562-7107 (h)



ZONING BOARD OF APPEALS  
Regular Session  
June 10, 1996

FE  
For Mike  
TRANSPOSE

AGENDA:

7:30 p.m. - Roll Call

Motion to accept minutes of the 05/13/96 meeting as written if available.

R&File Decision: BELLE, PIERRE v. ZBA Article 78 Proceeding *Krf*.

PRELIMINARY MEETING:

1. CUTTICA, RON and RAMONA - 2nd Preliminary. Request for 5 ft. fence in variation of Section 48-18B(1) of the Suppl. Yard Regs. (Corner lot) at 104 Willow Avenue in an R-4 zone. (63-1-10). *OK for P.H.*
2. MONACO, CARMEN - 2nd Preliminary. Referred by P.B. for the following: Lot #2- Use variances for multi-family, service establishment, used car sales; area: parking spaces. New Lot #3 proposed: 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard (pre-existing), 11.5 ft. side yard, 19.3 ft. total side yard, 1.31 ft. required frontage, 27% dev. coverage for lot line change (three lots from four) at Walsh Avenue in R-4 zone. Present: William Hildreth, L.S. (13-2-2,3,20,22). *Motion to sched P.H. 5-0*
3. MORFE, CARMEN - Request for 2 ft. side yard and 18 ft. rear yard variance for existing pool at 350 Butternut Drive in a CL-1 zone. (80-6-13). *Motion to sched P.H. 5-0*
4. SCHULTZ, ROBERT - Request for 19.2 ft. rear yard variance for existing deck at 23 Farmstead Road in an R-4 zone. (27-2-6.1). *Motion to Sched P.H. 5-0*
5. CASTRO, DAN - Request for 9 ft. rear yard variance for proposed deck at 29 Kings Road in an OLI zone. (32-1-10.22). *Q. regarding sideyard. Motion to sched. P.H. 5-0*
6. TEPPER, ESTHER - Request for 4 ft. 5 in. rear yard variance for existing deck at 328 Nina Street in an R-4 zone. (73-2-20). *Motion to Sched. P.H.*

PUBLIC HEARING:

7. LINDEMANN, MARJORIE - Request for 20 ft. Rear yard variance for existing attached pool deck at 203 Shore Drive in an R-4 zone. (62-9-40). *Granted 5-0 No opposition*
8. PETRONELLA, FRANCESCO - Request for 5 ft. 5 in. Rear yard and 10 ft. Frontage variances for two-family residence which is allowed in an R-3 zone at 455 Riley Road. (35-1-3.32). *Letter from DEP requested fence. (He has). Granted 5-0.*

FORMAL DECISIONS: (1) Cicio (2) T&H Realty (3) Nasta (4) Rothstein *Accepted all*

*5-0.*

Pat - 563-4630 (o)

562-7107 (h)

MONACO, CARMEN

Mr. William Hildreth appeared before the board for this proposal.

MR. NUGENT: Referred by the Planning Board for the following: Lot #2-use variances for multi-family, service establishment, used car sales area, parking spaces. New Lot #3 proposed: 11,580 s.f. lot area, 41.31 ft. lot width, 35 ft. front yard (pre-existing), 11.5 ft. side yard, 19.3 ft. total side yard 1.31 ft. required frontage, 27% dev. coverage for lot line change (three lots from four) at Walsh Avenue in R-4 zone.

MR. HILDRETH: While I wait for Pat to pass out some maps, my name is Bill Hildreth, I'm a land surveyor who took care of the plan. With me is Carmen Monaco, who is the owner of the property as well as the applicant. That's going on here is a two pronged application, lot line change and a site plan that is going to require the addressing of some use variances. The reason the two are tied together, is that there are currently 4 tax lots here, we're proposing to turn into 3 in order to place these uses within boundary lines cause right now, this is in Clanceyville, they are old lots, there's some things encroaching over property lines so that is the lot line change. This property is located in the R-4 zone on Walsh Avenue between Carroll Street and Merline closer to Carroll Street, it's just down the road from Ferracelli's Market. Does everyone have a handle on that?

MR. NUGENT: Yes.

MR. HILDRETH: As he stated, it's currently 4 tax lots, the lot line change proposed is to turn it into 3. The bulk variances that were just read off by the chairman refer to the residential lot which is tax lot 3. The reason it's already a substandard lot because of where it is and how old it is, the reason we need some variances is cause we're making some of, some of the substandard conditions a little bit worse but we're following an existing fence that separates that residence very nicely from the rest of the property.

The front yard variance that we need to get because we're here is a pre-existing condition, we're not changing that, we're changing the square footage for lot area and making that smaller and we're changing the street frontage making that a little bit smaller and we're changing the side yard setbacks. Obviously, the developmental coverage and whatnot will follow along with that. The rest of the property, give you a little history here to set this up, Mr. Monaco purchased this property in 1988, as you see it before you, it had the large frame structure that is on tax lot 2, it had the 3 mobile homes and there were 2 garages. He purchased the property in 1988. He's been operating out of this premises since 1974. Going back as far as 1930, it was commercial, the tax records indicate it was a commercial property, there was a shop and two apartments in it, what kind of shop it doesn't say. From time to time, it's been a machine shop in there. There has been automobile repair in there. There has been a tire sales in there. Right now, what's in there is a sewing machine shop where a woman makes draperies and she handles everything by delivery. There's no walk-in trade, she just makes the stuff there, that is in the old machine shop. There are currently 4 apartments in the remainder of the frame building and there's a vacant garage at this point recently vacated. One of the things we're going to try to discuss with the board and we would like to get variances for is to turn that now vacant garage into a fifth apartment. I'll get into that a little bit later. And what is shown on the plan as a used car sales office is a building that was there, it was a garage, it's been turned into the office for the used car sales operation that is running out there. The 3 mobile homes have been there since it leased 1966 as far back as 1963, there were 4 mobile homes there. There are now only 3. There's no proposal to change that, add to it or subtract from it. All we'd like to do is include a little lot line change with that tax lot to solve the encroachments one of the mobile homes is over the current boundary line. The reason we're here is that back in 1992, I believe the zoning inspector issued an order of remedy because of converting space in the large frame building into another apartment. At the time that was done, Mr. Monaco needed a place to live,

he has since gotten out of that situation and he's rented that apartment. So we went before the board with a plan similar to this to begin the process and at that time, there was an auto detail business operating out of the garage that we'd like to turn into an apartment. A great deal of time and effort and some money was spent in trying to, I mean he had a good tenant trying to save the business, we ran into problems with building code, New York State Building Code requirements certain uses that they can't be up against multi-family. I'm not up on it. If Mr. Babcock was here, C1, C2, I don't know how familiar you are. I'm not very familiar with it. We even went to the trouble of hiring an outside engineer because it was a little bit out of my field of expertise and after spending quite a bit of money there, we didn't get anywhere. So Mr. Monaco elected to get rid of the tenant because it's just not, you can't find a use that is compatible with the multi-family. So it is better, you have got 4 apartments in the building now that could be turned into the fifth apartment, the square footage can be used for something. I'll back up and go over any of this, I have to, I know it's a long story. The point I'd like to make is that in terms of square footage, Mr. Monaco hasn't changed any of the footprints of the building. What he has done is changed some of the uses and rearranged some of the uses inside. However, the property, it has been used, going back to predating zoning for the mobile homes, for all kinds of garages from time to time, for the used car sales and what we're here for in terms of use variances is the used car sales cause it's in a residential zone. That is not necessarily inconsistent with the neighborhood since there is a garage right across the street, it isn't visually, doesn't have a tremendous visual impact and in this particular type of used car sales, Mr. Monaco can expand, it's not your typical used car sales, there's no signs out front, he deals mostly with other dealers.

MR. MONACO: Yes, wholesale.

MR. HILDRETH: Cars come in and out very quickly, they don't hang around. There is no off the street walk-in type business, it's very quiet, very clean, very

unobtrusive. The sewing machine shop doesn't generate any traffic. She takes in orders and makes deliveries herself. Single family residence speaks for itself. And the mobile home, the 3 mobile home sites have access off Clancy Avenue. This property runs from Clancy to Walsh, has frontage on both and there's parking available up front for that. So that is very separate, even though it looks confusing on the plan, it's a very separate and self-contained little island out there.

MR. LANGANKE: Right now it's mixed use?

MR. HILDRETH: Mixed.

MR. LANGANKE: It's residential and commercial?

MR. HILDRETH: Yes.

MR. NUGENT: Multi-family.

MR. HILDRETH: Single family residential.

MR. LANGANKE: What is it zoned for?

MR. HILDRETH: R-4 is a regular residential zone. There are certain other things that are permitted in that zone. However, these uses are not, they are pre-existing but since we have to come for the expansion, you know, for the multi-family, I mean that is a use variance we need, we're trying to address all of these.

MR. LANGANKE: Is he in violation right now, has he been cited?

MR. HILDRETH: Yes, he's been given an order to remedy.

MR. LANGANKE: What specifically has he been ordered to remedy?

MR. LANGANKE: Provide a C.O. for the apartments that we're putting in or not, I don't want to say put in, but there was apartments added, even though the square footage was there, there for the apartments and for the

conversion of the garage to an office for that used car business that was already there.

MR. LANGANKE: All right so the used car sales office is a problem right now?

MR. HILDRETH: Because, yeah, it used to be a garage and it was converted to an office.

MR. LANGANKE: The apartments on top of the sewing machine, are they all in violation?

MR. HILDRETH: No, two.

MR. LANGANKE: Just two?

MR. HILDRETH: Yes.

MR. LANGANKE: How many are up there?

MR. HILDRETH: There's a total of--

MR. LANGANKE: How come only two are in violation?

MR. HILDRETH: Because two of them predate zoning, they go back as far as 1930, back when there was a machine shop there. As I said before they used to have a garage there where they change oil.

MR. MONACO: They did repairs there.

MR. HILDRETH: That use is done, he doesn't do that anymore.

MR. LANGANKE: On the ground floor there is a sewing machine shop?

MR. HILDRETH: Correct.

MR. LANGANKE: On top there are two apartments?

MR. HILDRETH: Yes.

MR. LANGANKE: Now, in the proposed apartment, is that two floors or one floor?

MR. HILDRETH: No, it will be one floor. The proposed apartment will be between the frame building and the used car sales.

MR. LANGANKE: They are both one floor?

MR. HILDRETH: Correct.

MR. LANGANKE: Do we have any pictures?

MS. BARNHART: They are right here.

MR. HILDRETH: The only thing we're proposing is a fifth apartment there.

MR. LANGANKE: What is there now?

MR. HILDRETH: It's the garage that used to have the auto detail. The structure touches the multi-family and we were having problems with that use and the building code.

MR. TORLEY: Use variances are reflected for the used car office?

MR. HILDRETH: Yes and one of the things in the referral was for service establishment which I don't know why it's there, I don't know if that is correct. There is no service establishment that we're asking for that I know of, unless that was what was put in there for the sewing machine shop, I don't know. Now, some of these pictures may not do it justice. This site would do well to have a site visit, it would answer, it's a very clean site, it separates very nicely, the way the lot line change is drawn up.

MR. LANGANKE: What's the acreage?

MR. HILDRETH: Total acreage is just a half acre.

MR. REIS: Bill, the way you have it set up here, what would be the minimum parking space available?

MR. HILDRETH: I didn't even get into that, should we



talk about parking a little bit?

MR. REIS: Seems like it's short here.

MR. HILDRETH: In terms of the number of parking spaces required and being able to put in a 10 x 20 space, absolutely. In the right locality, he can, it works now, and he's got space left over. He can park the cars he needs for his apartment tenants, for the three mobile homes, the single family residence has spaces available to it, which is all that is required and the used cars that come in and out as I said come in and out fairly quickly, eight, ten, twelve, one time or another. When I took the pictures there was 14 cars there and there was still room for more and room to back out and turn around. Parking is another one of the variances we have to look at. Single family would be 2, 3 mobile homes would be 6, is 8, 5 apartments would be 10 is 18, like I said, 14 cars just in the rear parking area.

MR. TORLEY: One question on the parking shows back here for the mobile homes I'm looking at.

MR. HILDRETH: It's off-street.

MR. TORLEY: Is that on the Clancy right-of-way?

MR. HILDRETH: Actually, it's in the right-of-way, correct, if you look at the tax map, it comes down and jogs.

MR. TORLEY: It's not his property?

MR. HILDRETH: It's not on the property.

MR. TORLEY: Those don't exist as far as his property.

MR. HILDRETH: There again, if you are looking in terms of parking on the property, no. In the real world, that is where they park.

MR. MONACO: Nothing was changed back there, that has been like that forever, as long as I have been there.

MR. HILDRETH: If you are looking at what you can count that he can get on the property, no, you can't count them, that is true.

MR. KANE: We have to look at what we can legally count.

MR. HILDRETH: Right, so those are the variances we're going to need but part of the presentation and part of what I want to try to make sure everybody understands is that there's room to park some cars there.

MR. KANE: This service establishment you believe that is for the sewing machine office?

MR. HILDRETH: I really don't know.

MR. KANE: Does that, so I can understand that, does that predate the zoning, has that been in there that long that it pre-dates?

MR. TORLEY: The commercial use in that area.

MR. KANE: Commercial use pre-dates.

MR. HILDRETH: Commercial use, this sewing machine operation does not.

MR. TORLEY: Has it been continuously used as a commercial use? Correct me if I am wrong, if it's been continually used as a commercial operation since the 30's it's grandfathered.

MR. HILDRETH: That space has always been commercial.

MR. KRIEGER: If they can show that, my guess is the building inspector may cite them because the building inspector is unable to prove that but if they can show that if it's continuous without a break of a year or more and they were in between.

MR. HILDRETH: There may have been some breaks, I don't know how long they were. But as I said, the commercial--

MR. MONACO: There was a machine shop in there, I moved in there 22 years ago, I started renting the shop from a relative, Mike Colandrea, and the machine shop had been there from before I moved in.

MR. KANE: Just so you know to get a use variance, you have to prove a lot of financial hardship in here and that doesn't mean making a profit on your property, even if you have to sell it. The use thing is very difficult to get. So I think what we're getting at if there's anything that you can show that is pre-existing, it's to your benefit to research that and do that cause our hands are tied very tight.

MR. HILDRETH: I have copies of the records from the tax office.

MR. KANE: Just to let you know where we are going with that.

MR. HILDRETH: That is why I wanted to show these to you tonight, I have already looked at it and the commercial use goes back as far as 1930.

MR. TORLEY: What about the used car stuff?

MR. MONACO: Dominick Faracelli, who owned the property prior to Mike Colandrea was selling cars back into the 60's, that I know.

MR. KANE: We need you to establish that.

MR. KRIEGER: Zoning came into effect in '66?

MS. BARNHART: '66, November 11, 1966.

MR. MONACO: Dominick Faracelli owned the little house on the property the one-family house and he was selling cars out of there, I can find out, you know.

MR. KANE: You'll need to document that as best as you can.

MR. NUGENT: You also had the mobile homes back there cause I remember those as a kid.

MR. KANE: Anything you can document.

MR. HILDRETH: What do you need for documentation?

MR. LANGANKE: Telephone bills, correspondence.

MR. KANE: Tax rolls, check the tax office what's on the tax rolls.

MR. HILDRETH: Tax rolls, they are very vague, they say commercial two apartments one shop.

MR. KANE: Copy of the commercial two apartments one shop if you can show that from the tax department that proves it.

MR. MONACO: Dominick's wife, she's around, I bought the house from her, the little house.

MR. TORLEY: You have to have something in the record that establishes the use.

MR. MONACO: Notarized statement from her maybe?

MR. LANGANKE: Exactly, that would be very helpful.

MR. MONACO: She moved to Florida but she's back up here for the summer so--in fact, she holds the mortgage on this little house.

MR. LANGANKE: Any evidence we can use to help us make a decision.

MR. TORLEY: Old pictures are good showing a 1947 car sitting out there.

MR. MONACO: I'll call her.

MR. NUGENT: If he can show it's before zoning.

MR. KRIEGER: He's got to prove that it existed before zoning. Also has to prove that it existed without a break so the photograph of the old car may be in certain circumstances sufficient to satisfy question

number one but the only way--

MR. KANE: The financial part is going to be very difficult for them to prove.

MR. HILDRETH: Financially in terms of today what's going on here, he's got this square footage that obviously you need to rent out if you are going to own the property, the one tenant he had that was a good tenant, it was a clean operation, turns out is not compatible because of building codes and we find that out when we come before the planning board to clean up the order to remedy so he's lost that tenant.

MR. KANE: You need to put it in dollars and cents. I'm just telling you what we need to see because this is state regulated.

MR. KRIEGER: Perhaps this would be helpful, Bill, I don't know if I have given you these in the past, but I have here the criteria for both area and use variances that the state has set forth, the requirements of the Zoning Board of Appeals must adhere to according to the state and in connection with Member Kane's comments, I direct your attention to number one on the use variance criteria.

MR. HILDRETH: All right.

MR. TORLEY: Let's establish if there were mobile homes pre-existing zoning and those mobile homes we replaced with a new one but on the same pad.

MR. KRIEGER: As long as it was continuous, as long as that space didn't cease being a mobile home space for a year or more.

MR. TORLEY: I doubt they are 40 years old.

MR. MONACO: One of them there is very old, I don't know how long it's been there, he's related.

MR. KRIEGER: I should think that there would be a person in that area who has is existing now has continuous or has memory back to November 11, 1966 and

could probably testify or submit an affidavit anyway for all of these questions, all of these, the mobile homes and the shop.

MR. MONACO: I believe the one tenant that is there has been there before, he's related to Faracelli.

MR. KRIEGER: I don't know who that is, you have got to find him.

MR. MONACO: Well, no, he's there.

MR. TORLEY: The rest of these are housekeeping and really trying to make things right.

MR. HILDRETH: The parking is going to be, I mean if and when this goes back to the planning board, the planning board is going to want to know what they are dealing with. The reality of it is we can't demonstrate by using 10 x 20 foot spaces anywhere near what's required. However, he's got room and he's functioning at this point with the space that is available. He's got room for the cars. One of the things I really would strongly suggest because pictures don't do justice, is anybody that has a chance go out and check it out. Because a walk through there--

MR. KANE: Let me ask you a question.

MR. HILDRETH: It's hard to put all this down on a flat piece of paper.

MR. KANE: Where the used car sales office is that where the new tax line is going to run right through the building?

MR. HILDRETH: No. What we have is 4 tax lots, if I may, just to help you out, you have got 4 tax lots, if you look over here, you can see them.

MR. KANE: Where are you going to--

MR. HILDRETH: What we're going to do is put a property line along this fence.

MR. KANE: One, two and three up the middle here?

MR. HILDRETH: Yes, we're stealing a little of this for that, we're combining this for that, look for the tax lot numbers here, right there and there.

MR. KANE: So this is lot number 2 in the middle?

MR. HILDRETH: If you want to look at the lot line change, this is new tax lot 3, this is old tax lot 3. This is old tax lot 2 and old tax lot 2 to be combined with the new tax lot 2.

MR. KANE: Lot number 3 on here is this here, you don't need a variances for the tax lot 2?

MR. HILDRETH: Our position here is mobile home is pre-existing, all we're doing is cleaning up the boundary problems.

MR. KANE: And you won't need anything with the new lot line change going in there?

MR. HILDRETH: Well, we're not making, we have an encroachment here and we're not making it any worse. In fact, we're making it better cause we're making it bigger.

MR. KANE: Mobile home area we're not really touching as far as your variances.

MR. HILDRETH: I don't think so. I don't think it's required. It stands on its own as a pre-existing use.

MR. KANE: We're not even touching the mobile home area.

MR. HILDRETH: This is very complicated.

MR. TORLEY: Parking isn't going to be a problem because we cannot count parking area that you don't own.

MR. HILDRETH: That is fine, what we can do--

MR. MONACO: Added spaces for parking, there is more parking now than there was.

MR. KANE: Larry, how would you feel about postponement of the Preliminary Hearing at this point so we can actually take a look at the lot? I don't want to set him up for a public hearing and not be able to hit him with other questions we have at the public hearing. I don't think that would be fair. I think going out to see the thing and coming back and picking up in the preliminary hearing so he has an idea of what he is facing.

MR. LANGANKE: It would give him an opportunity to try and get some of the evidence.

MR. HILDRETH: We're going to need some time to do that.

MR. KANE: If you gentlemen agree, I'd like to table this discussion for the time being so that we can go visit the site and then have, and try to get you on the schedule two weeks from now.

MR. KRIEGER: You can make a motion to table.

MS. BARNHART: Two weeks is Memorial Day.

MR. TORLEY: Are we going to have a special meeting or just drop it?

MR. KANE: No, just in the next meeting.

MR. TORLEY: Second Monday in June.

MS. BARNHART: The tenth of June is the next meeting.

MR. KANE: That would be a preliminary meeting.

MR. KRIEGER: That would be your motion to table it until the tenth of June as opposed to indefinitely?

MR. KANE: If the applicants don't have a problem.

MR. HILDRETH: One of the reasons I need to be specific



about the date, we have--

MS. BARNHART: June ten.

MR. HILDRETH: Is because of the order to remedy we have to report.

MR. NUGENT: You're here.

MR. KRIEGER: You have to report back.

MR. NUGENT: Can I ask you one more question?

MR. HILDRETH: You sure can. You can ask two if you want.

MR. NUGENT: At the bottom of the drawing on the left side of the page there's parking area five cars, does that belong to his property?

MR. HILDRETH: No, that is in the town right-of-way. If you look over here, if you can, at the little tax map, you can see how Clancy Avenue has a jog in it, that jog occurs right here.

MR. KANE: We can't count that.

MR. HILDRETH: It's there, they can use it, but you can't count it.

MR. LANGANKE: But that parcel is not a problem, is it?

MR. KANE: No, that is not a problem but they are looking at the parking maybe towards the parking on lot number 2, is jog in the middle.

MR. KANE: Would you accept a motion at this point?

MR. REIS: Do you have separate water meters on these lots?

MR. NUGENT: Does any of the tenants at this point park on the street?

MR. HILDRETH: No, they all park here.

MR. NUGENT: All the people here which actually have parking here.

MR. HILDRETH: There again, it's all paved, you got room to pull in and park here but when the tenants come in for the evening go to night-night, they park in the back. He's got a gate here, it's great.

MR. NUGENT: And the house parks over here?

MR. HILDRETH: Yes, that is their own parking.

MR. NUGENT: That is completely separate?

MR. HILDRETH: Yes.

MR. NUGENT: I'm accept a motion.

MR. KANE: So moved.

MR. TORLEY: Second it.

MR. KRIEGER: Table until June ten.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

RESULTS OF P.B. MEETING

DATE: January 10, 1996

PROJECT NAME: Wexaco, Carnex Site Plan PROJECT NUMBER 96-2

\*\*\*\*\*

LEAD AGENCY: \_\_\_\_\_ NEGATIVE DEC: \_\_\_\_\_

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

CARRIED: YES \_\_\_\_\_ NO \_\_\_\_\_ CARRIED: YES: \_\_\_\_\_ NO \_\_\_\_\_

\*\*\*\*\*

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

WAIVED: YES \_\_\_\_\_ NO \_\_\_\_\_

SEND TO OR. CO. PLANNING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_

SEND TO DEPT. OF TRANSPORT: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_

DISAPP: REFER TO Z.B.A.: M) D S) S VOTE: A 0 N 3 YES ✓ NO \_\_\_\_\_

RETURN TO WORK SHOP: YES \_\_\_\_\_ NO \_\_\_\_\_

APPROVAL:

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ APPROVED: \_\_\_\_\_

M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ APPR. CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: YES \_\_\_\_\_ NO \_\_\_\_\_

DISCUSSION/APPROVAL CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

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(717) 296-2765

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** MONACO SITE PLAN  
**PROJECT LOCATION:** WALSH ROAD  
SECTION 13-BLOCK 2-LOTS 2 AND 22  
**PROJECT NUMBER:** 96-2  
**DATE:** 10 JANUARY 1996  
**DESCRIPTION:** THE APPLICATION INVOLVES A REVIEW OF EXISTING  
USES ON THE LOTS RELATED TO THE MONACO LOT LINE  
CHANGE (APPLICATION 96-1). THE PLAN WAS REVIEWED  
ON A CONCEPT BASIS ONLY.

1. The scope of the Monaco site plan application will be limited to new Lots 2 and 22, since Lot 3 is a single-family residence, which is not considered as a component of a site plan application. As such, my review and the Board's deliberations should be so directed.
2. New Lot 22 involves a mobile home park with three (3) units. New Tax Lot 2 involves five (5) apartments, a sewing machine shop and a used car sales establishment with office.

As a first step it is essential that it be determined which uses are pre-existing non-conforming versus those created after zoning, which may require use variances. This determination would require input from the Town Building Inspector and Town Assessor. If use variances are required for any of those uses on these lots, all of which are not permitted in the R-4 Zone, a referral should be made to the Zoning Board of Appeals.

In addition to the potential use variances, it is likely that the uses would require off-street parking variances, since it is obvious that insufficient parking currently exists.

3. When the Planning Board reviews this site plan application, more specifically regarding parking, it will be necessary that the Board determine how many spaces are available for the used car sales display, recognizing that spaces must be assigned to the remaining uses on new Lot 2 (five apartments, the sewing machine shop and customer parking for car sales). The Board may wish to review this matter to some extent before making the referral to the Zoning Board of Appeals.


**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** MONACO SITE PLAN  
**PROJECT LOCATION:** WALSH ROAD  
SECTION 13-BLOCK 2-LOTS 2 AND 22  
**PROJECT NUMBER:** 96-2  
**DATE:** 10 JANUARY 1996

It also appears that the mobile home park would require a variance for all the required parking, since no spaces are provided on new Lot 22 to address the required parking.

4. Until such time that the Applicant has received all the necessary variances from the Zoning Board of Appeals, no further action can be taken by the Planning Board. Upon the Applicant's return to the Planning Board following the ZBA action, I will be pleased to provide a detailed review of the site plan, based on the concerns and scope identified by the Planning Board.

Respectfully submitted,

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:MONAC-S.mk

P.B. # 96-2 Application fee

4256

**ACTIVE AUTO SALES, INC.**

120 WALSH RD.  
NEW WINDSOR, NY 12553

563-0305

50-7099/2219

PAY

TO THE

ORDER OF

Town of New Windsor

\$100.<sup>00</sup>/<sub>100</sub>

One hundred and <sup>00</sup>/<sub>100</sub>

DOLLARS

**POUGHKEEPSIE**  
SAVINGS BANK, FSB  
NEWBURGH OFFICE  
126 LAKE STREET, SUITE 10  
NEWBURGH, NEW YORK 12550

FOR

⑈004256⑈ ⑆221970993⑆ 8701400760⑈

P.B. # 96-2 ESCROW

4257

**ACTIVE AUTO SALES, INC.**

120 WALSH RD.  
NEW WINDSOR, NY 12553

563-0305

50-7099/2219

PAY

TO THE

ORDER OF

Town of New Windsor

\$750.<sup>00</sup>/<sub>100</sub>

Seven hundred fifty and <sup>00</sup>/<sub>100</sub>

DOLLARS

**POUGHKEEPSIE**  
SAVINGS BANK, FSB  
NEWBURGH OFFICE  
126 LAKE STREET, SUITE 10  
NEWBURGH, NEW YORK 12550

FOR

ESCROW REVIEW

⑈004257⑈ ⑆221970993⑆ 8701400760⑈

Made the 23 day of September  
Nineteen Hundred and sixty-eight

96-2  
RECORDED 3-10-66

Between Ralph C. Brander, residing at (no street or number)  
Rosendale, Ulster County, New York

LOT 3

part of the first part, and

XXXXXXXXXXXXXXXXXXXX Mary G. Faricellia, XXXXXXXXXXXXXXX  
residing at 134 Walsh Avenue, New Windsor, Newburgh, Orange County,  
New York

Witnesseth that the party of the first part, in consideration of part of the second part,

Ten ----- Dollars (\$ 10.00 )  
lawful money of the United States, and other good and valuable considerations  
paid by the party of the second part, does hereby grant and release unto the  
party of the second part, her heirs, executors, and assigns forever, all  
administrators

All that tract or parcel of land, situate in the Town of New Windsor,  
County of Orange and State of New York, being lots numbered four hundred  
forty-nine(449) and four hundred fifty(450); on a map or plan of City Park  
dated August 16, 1909, made by A. L. Eliot; Civil Engineer, and filed in the  
office of the Clerk of Orange County, August 30, 1909 and more particularly  
described as follows, to wit:

Bounded; northeasterly by Walsh's Road sixty(60) feet; southeasterly  
by lot 448 on said plan one hundred and 75/100(100.75) feet; southwesterly  
by lots 463 and 464 on said plan sixty(60) feet; northwesterly by lot  
451 on said plan one hundred and 75/100(100.75) feet. Containing according  
to said plan, six thousand forty-four(6044) square feet, more or less.

Together with the fee, in so far as there is the right to convey  
the same, of all the streets and ways shown on said plan, in common with  
the owners of the other lots shown on said plan, and subject to the  
right of all said lot owners to make any customary use of said streets  
and ways. No house shall be built on said lots costing less than four  
hundred dollars.

Being the same premises conveyed to the party of the first part  
by Michael A. and Dorothy Brander, his wife by deed dated January 5, 1963,  
recorded in the Orange County Clerk's Office on January 15, 1963 in Liber  
1032 of deeds at page 677.

RECEIVED

8 1988

98

2

N.Y.B.T.U. Form 8007

Bargain and Sale Deed with Covenant against Grantor's Acts — Individual or Corporation

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the *17<sup>th</sup>* day of SEPTEMBER, nineteen hundred and *eighty-eight*  
BETWEEN MARY GRACE FARICELLIA, residing at 126 Walsh Avenue,  
New Windsor, New York 12550;

party of the first part, and *DM* CARMEN MONACO, residing at P.O. Box 292, Prospect Hill  
Road, Wallkill, New York 12589;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors  
and assigns of the party of the second part forever, and other good and valuable consideration

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and  
being in the Town of New Windsor, County of Orange and State of New York, being lots  
numbered 463 and 464 on a map or plan of City Park dated August 16, 1900 made by  
A.L. Eliot, C.E., and filed in the office of the Orange County Clerk on August 30th,  
1909.

TOGETHER with the fee of all the streets, avenues, boulevards, roads, paths, alleys  
and sidewalks, shown on said plan, in common with the owners of the other lots  
shown on said plan and subject to the right of all of said lot owners to make any  
customary use of said streets, avenues, boulevards, roads, paths, alleys and side-  
walks.

BEING the same premises conveyed by Louis Brander to Dominick Faricellia by Deed  
dated December 20, 1962, recorded in the Orange County Clerk's Office on December  
22, 1962 in Liber 1631 of Deeds at page 1032, the said Dominick Faricellia having  
died a resident of the Town of New Windsor, Orange County, New York, on August 12,  
1968, leaving a Last Will and Testament which was admitted to Probate by the  
Surrogate of Orange County on August 10, 1971, and Letters Testamentary having  
been issued to Carmine Damario on August 10, 1971.

LOT 20

USER 3009 PAGE 261



**Deed Indenture**

RECEIVED JAN 1 1909

September,  
Between

Nineteen Hundred and Eighty-eight,

14th

day of

MARIE  
MICHAEL COLANDREA and ELENA COLANDREA, husband and wife, both residing at 83 Clancy Avenue, Town of New Windsor, Orange County, New York,

parties of the first part, and

CARMEN MONACO, residing at Prospect Hill Road, P.O. Box 292, Wallkill, New York,

party of the second part,  
Witnesseth, that the parties of the first part, in consideration of ONE HUNDRED  
SEVENTY-FIVE THOUSAND AND 00/100-----Dollar (\$175,000.00)  
lawful money of the United States,  
paid by the party of the second part, do hereby grant and release unto the  
party of the second part, his heirs and assigns forever, all  
that lot, parcel or piece of land situate in the Town of New Windsor, County of  
Orange, State of New York, and being Lots #451, #452, #465 & #466 as shown on the  
map entitled "City Park ... Owned by J. W. Wilbur" filed map number 647 and filed  
August 30, 1909 in the Orange County Clerk's Office, Goshen, New York, and being  
more particularly described as follows:

Beginning at a point on the Southwesterly line of Walsh Road, said point of  
beginning being the most Northerly corner of lands now or formerly Faricellia,  
said point of beginning also being the most Easterly corner of the herein described  
parcel; thence from said point of beginning and along the Northwesterly line of  
lands of said Faricellia, (1) South 55 degrees 13 minutes 00 seconds West 180.75  
feet to the Easterly line of Clancy Avenue; thence along said line (2) North  
34 degrees 47 minutes 00 seconds West 60.00 feet; thence along the Southerly line  
of Lot #467 as shown on the above referenced filed map, and along the remains of  
an old fence line for the most part, (3) North 55 degrees 13 minutes 00 seconds  
East 180.75 feet to the Southwesterly line of Walsh Road; thence along said line  
(4) South 34 degrees 47 minutes 00 seconds East 60.00 feet to the point of beginning  
as shown on a survey map prepared by Barger, Gray & Railing, P.C., dated August 12,  
1908.

Containing 10,845 square feet, or 0.249 acres.

Subject to any right-of-way, easement, covenant, or restriction of record.

13-2-21 22



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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- ☐ Branch Office  
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Milford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF NEW WINDSOR P/B # 96-2  
WORK SESSION DATE: 21 Aug 96 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: Yes REQUIRED: new pla (later)  
PROJECT NAME: Monaco S/P  
PROJECT STATUS: NEW \_\_\_\_\_ OLD X  
REPRESENTATIVE PRESENT: WBAH  
MUNIC REPS PRESENT: BLDG INSP. ?  
FIRE INSP. Bob  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Bill H says WBA gave variances -  
- Q - was enough variance given for parking?  
need to see variance text  
= garage doors to be elim.  
- need one pkgs space.  
- 10 spaces for multifam, 2 variance - need to show if -  
whatever spaces are left go to used car vehicle storage

4MJ91 pbwsform



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 2

DATE PLAN RECEIVED: RECEIVED JAN 3 1996

The maps and plans for the Site Approval ✓

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

CARMEN MONACO has been

reviewed by me and is approved ✓,

disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

[Signature] 3-26-96  
SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



McGOEY, HAUSER and EDSALL  
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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B #        -       

WORK SESSION DATE: 20 Dec 95

APPLICANT RESUB.  
REQUIRED: new plan

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Carmen Monaco

PROJECT STATUS: NEW X OLD       

REPRESENTATIVE PRESENT: Bill Hildreth

MUNIC REPS PRESENT: BLDG INSP. Howe  
FIRE INSP. ?  
ENGINEER X  
PLANNER         
P/B CHMN.         
OTHER (Specify)       

heavy  
snow

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- not in front of p/b yet
- they are trying to get mix of uses  
blkg code will allow -
- going from 4 lot to 3 (SFR)(Mobile Home)(Mixed)
- going from 4 -> 5 apt.
- Mobile Home lot being made larger
- pkg - SFR has 2 OK (Lot 3)  
Multi has 4 (Lot 2) need 10 preexist undersized  
lot Car sales - 1/1000; 1/1000; 1 space " "

ridge says  
3/5 get  
fixed

Myra → You may want to have Mike verify with Assessor  
what uses on site may preexist zoning in Town.

call out  
vehicle  
display  
vs. empl.  
customers

4MJ91 pbwsform

over

2BA → ① Bulk w/r/t Residence

② Uses?

③ Pkg <sup>a. #</sup>  
b size?

④ Mobile Home may NOT need  
any 4→3 previously, pks  
always off lot.

Myra

+ next avail mtg



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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

TOWN/VILLAGE OF

New Windsor

P/B # \_\_\_\_\_

WORK SESSION DATE:

20 Jan 93

APPLICANT RESUB.  
REQUIRED:

REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_

PROJECT NAME:

Manaco

PROJECT STATUS: NEW

X

OLD

REPRESENTATIVE PRESENT:

Carmen Moraco/WBH

MUNIC REPS PRESENT: BLDG INSP.

X

FIRE INSP.

ENGINEER

X

PLANNER

P/B CHMN.

OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

2 apps

1 SIP

+

1 1/2

now 4 for lots - creating 3

2-B A -

WBH to go to Assessor - history on parcel



McGOEY, HAUSER and EDSALL  
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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor P/B #      -       
WORK SESSION DATE: 3 MARCH '92 APPLICANT RESUB.  
REQUIRED:  
REAPPEARANCE AT W/S REQUESTED:       
PROJECT NAME: Carmen Monaco  
PROJECT STATUS: NEW X OLD       
REPRESENTATIVE PRESENT: WBH  
MUNIC REPS PRESENT: BLDG INSP. X  
FIRE INSP. John  
ENGINEER X  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Walsh Rd - in R-4 Add  
Zone line & Walsh PI/R-4  
All existing - Nothing proposed  
unauth change in use (picked up by F. Isp)

Q-1 what existed prior to zoning (bb)

③ → Applications use min \$/p escrow for each \$/p  
needs ZBA referrals.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 2

DATE PLAN RECEIVED: RECEIVED JAN 3 1996

The maps and plans for the Site Approval ✓  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
\_\_\_\_\_ has been  
reviewed by me and is approved ✓,  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

W. James Sullivan 1/6/96  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE





INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 04 January 1996

SUBJECT: Monaco Site Plan

Planning Board Reference Number: PB-96-2

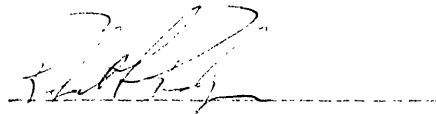
Dated: 3 January 1996

Fire Prevention Reference Number: FPS- 96-002

A review of the above referenced subject site plan was conducted on 4 January 1996

This site plan is acceptable.

Plan Dated: 20 December 1995.



Robert F. Rodgers, C.C.A.  
Fire Inspector

RFR/dh



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

APPLICATION TO:  
TOWN OF NEW WINDSOR PLANNING BOARD

RECEIVED JAN 3 1996

96-2

"XX"

175 TYPE OF APPLICATION (check appropriate item):

Subdivision\_\_\_\_ Lot Line Chg.\_\_\_\_ Site Plan X Spec. Permit\_\_\_\_

1. Name of Project CARMEN MONACO SITE PLAN, LOT-LINE CHANGE, & MOBILE HOME PARK
2. Name of Applicant CARMEN MONACO Phone 563-0305  
Address 120 WALSH AVE NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (zip)
3. Owner of Record CARMEN MONACO Phone (SAME)  
Address (SAME)  
(Street No. & Name) (Post Office) (State) (zip)
4. Person Preparing Plan GREVAS & HILDRETH, L.S., P.C.  
Address 33 QUASSAICK AVE NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (zip)
5. Attorney DANIEL J. BLOOM Phone 561-6920  
Address 530 BLOOMING GROVE TURNPIKE NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (zip)
6. Person to be notified to represent applicant at Planning Board Meeting GREVAS & HILDRETH, L.S., P.C. Phone 562-8667  
(Name)
7. Project Location: On the WEST side of WALSH AVE  
200 feet SOUTH of CAROL AVE  
(direction) (street)  
FRONTAGE ON CLANCY AVE OPPOSITE CHERRY AVE
8. Project Data: Acreage of Parcel 0.5 Zone R-4,  
School Dist. NBCSD
9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y\_\_\_\_ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 13 Block 2 Lots 2,3,20 & 22

11. General Description of Project: LOT LINE CHANGE AND SITE PLAN  
APPROVAL FOR SINGLE FAMILY RESIDENCE, AUTO SALES, <sup>FIVE</sup> APARTMENTS AND  
SEWING MACHINE SHOP; SPECIAL PERMIT APPROVAL FOR MOBILE HOME PARK (3 UNITS)  
RE-STRUCTURING OF FOUR TAX LOTS INTO THREE TAX LOTS

12. Has the Zoning Board of Appeals granted any variances for this property?        yes   X   no.

13. Has a Special Permit previously been granted for this property?        yes   X   no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:


COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

19<sup>th</sup> day of DECEMBER 1995

  
Applicant's Signature

  
KATHLEEN A. VALK  
Notary Public, State of New York  
Qualified in Ulster County  
No. 4996432  
Commission Expires May 18, 1996

\*\*\*\*\*  
TOWN USE ONLY:

RECEIVED JAN 6 1996

\_\_\_\_\_  
Date Application Received

96 - 2

\_\_\_\_\_  
Application Number

"XX"

APPLICANT'S PROXY STATEMENT  
(for professional representation)for submittal to the  
TOWN OF NEW WINDSOR PLANNING BOARDCARMEN MONACO, deposes and says that he  
(Applicant)resides at 292 PROSPECT HILL ROAD, NEWBURGH  
(Applicant's Address)in the County of ORANGEand State of NEW YORKand that he is the applicant for the CARMEN MONACO SITE PLAN  
LOT-LINE CHANGE & MOBILE HOME PARK  
(Project Name and Description)which is the premises described in the foregoing application and  
that he has authorized GREVAS & HILDRETH, L.S., P.C.  
(Professional Representative)

to make the foregoing application as described therein.

Date: 12-19-95  
(Owner's Signature)Kathleen A. Walk  
(Witness' Signature)THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF  
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT  
AND/OR OWNER AT THE MEETINGS.

If Applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD  
~~SUBDIVISION~~/LOT LINE CHANGE CHECKLIST

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. ☒ Environmental Assessment Statement
- \*2. ☒ Proxy Statement
3. ☒ Application Fees
4. ☒ Completed Checklist

II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. ☒ Name and address of Applicant.
- \*2. ☒ Name and address of Owner.
3. ☒ ~~SUBDIVISION~~ <sup>LOT LINE CHANGE</sup> name and location.
4. ☒ Tax Map Data (Section-Block-Lot).
5. ☒ Location Map at a scale of 1" = 2,000 ft.
6. ☒ Zoning table showing what is required in the particular zone and what applicant is proposing.
7. ☒ Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. ☒ Date of plat preparation and/or date of any plat revisions.
9. ☒ Scale the plat is drawn to and North Arrow.
10. ☒ Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. ☒ Surveyor's certification.
12. ☒ Surveyor's seal and signature.

\*If applicable.

13. ✓ Name of adjoining owners..
14. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
- \*15. N/A Flood land boundaries.
16. N/A A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17. ✓ Final metes and bounds.
18. N/A Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
19. NONE Include existing or proposed easements.
20. N/A Right-of-Way widths.
21. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22. ✓ Lot area (in square feet for each lot less than 2 acres).
23. N/A *TAX MAP LOT NUMBERS WILL BE RETAINED*  
Number the lots including residual lot.
24. N/A Show any existing waterways.
- \*25. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26. ✓ Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27. NONE PROPOSED Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including location, size and depths).
28. N/A Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

\*If applicable.

29. N/A Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
30. N/A Provide "septic" system design notes as required by the Town of New Windsor.
31. N/A Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data. *SPOT ELEVATIONS SHOWN*
32. N/A Indicate percentage and direction of grade.
33. ✓ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
34. ✓ Provide 4" wide x 2" high box in area of title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.
35. N/A Indicate location of street or area lighting (if required).



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. N/A Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
37. N/A A Disclosure Statement, in the form set below must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: William B. Hildred, L.S.  
Licensed Professional

Date: 19 DECEMBER 1995

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## ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

*THIS PROPERTY IS NOT IN A FLOOD ZONE*

*William B. Alden, C.S.*

PROJECT I.D. NUMBER

617.21

Appendix C

SEQR

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>CARMEN MONACO</b>	2. PROJECT NAME <b>SITE PLAN, LOT-LINE CHANGE &amp; MOBILE HOME PARK</b>
3. PROJECT LOCATION: Municipality <b>TOWN OF NEW WINDSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>WEST SIDE OF WALSH AVE 200' SOUTH OF CAROL AVE FRONTAGE ON CLANCY AVE OPPOSITE CHERRY AVE TAX MAP SECTION 13 BLOCK 2 LOTS 2, 3, 20 AND 22</b>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>LOT LINE CHANGE AND SITE PLAN APPROVAL FOR SINGLE FAMILY RESIDENCE, AUTO SALES, FIVE APARTMENTS AND SEWING MACHINING SHOP. SPECIAL PERMIT APPROVAL FOR MOBILE HOME PARK (3 UNITS) RE-STRUCTURING OF FOUR TAX LOTS INTO THREE TAX LOTS</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>0.5</b> acres Ultimately <b>0.5</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <b>USE AND AREA VARIANCES REQUIRED FOR APPROVAL</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <b>TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS USE AND AREA VARIANCES</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>N/A</b>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>CARMEN MONACO</b>	Date: <b>19 DEC. 1995</b>
Signature: <b>William B. Alden, L.S. (PREPARER)</b>	

If the action is in the Coastal Area, and you are a state agency, complete the  
 Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD OF 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b>	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species; significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
_____	
Name of Lead Agency	
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
_____	
Date	